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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,260	06/15/2000	Vasco Vollmer	1224	8984

7590 01/27/2004

Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

LAMARRE, GUY J

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/595,260

Applicant(s)

VOLLMER ET AL.

Examiner

Guy J. Lamarre, P.E.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

1. Correspondence regarding this application should be directed to Art Unit 2133. Applicant's IDS of 9 Jan. 2002 and 22 sept. 2001 have been entered. The Examiner has considered the IDS: PTO Form 1449 will be forwarded when the application is in condition for allowance.

1.1 Pursuant to 35 USC 131, Claims 1-18 are presented for examination.

### Specification/Claims

2. The disclosure is objected to because Applicant refers to features described by the claims in passim, e.g., page 4 line 16, in the specification. Such features shall be described fully in the disclosure, and not in reference to the claims. Also priority information shall be placed at the beginning of the specification but not on page 10 lines 6-10. The disclosure shall be amended to incorporate therein language of those claims so invoked. See MPEP § 608.01(b).

2.1 In the Claims: Information in brackets has no patentable weight and 'operable" in Claim 1 shall be replaced with 'configured.'

Appropriate correction is required.

### Claim Rejections - 35 USC ' 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.1 **Claims 1-18** are rejected under 35 U.S.C. 102 (b) as being anticipated by GONNO (EP Patent No. 000876023; 4 NOV. 1998).

**Gonno** discloses an algorithmic means for providing frame re-transmission in a broadcast communication system, comprising: a receiver (col. 4 line 9 and col. 5 lines 9-10) for receiving a message indicative of a frame received in error by a wireless communication device, said message including an identification of said frame; a memory (col. 4 line 27; e.g., if an error is

detected at the receiver, a NAK or repeat request is issued therefrom to the transmitter so that the frame marked as errored is to be retransmitted, said receiver/transmitter having storage means to hold/process such request.) for storing a predetermined number for determining when to re-transmit said frame; and a processor (col. 4 line 11) for determining a cumulative number of times that said frame was received in error and for ordering a re-transmission of said frame if said cumulative number of times is greater than said predetermined number (e.g., if predetermined number is zero, there is no frame retransmission, otherwise, the frame is retransmitted).

**As per Claims 1-7, Gonno** discloses an equivalent means in col. 3 line 54 - col. 6 line 35 and Fig. 8 wherein is disclosed ARQ system for multicast or broadcast system comprising plural receivers and central station or transmitter wherein NAK and ACK, e.g., col. 11 line 13, are sent by receivers on error or loss of transmit message, the transmitter repeating such message after predetermined time period for communications system.

**As per Claims 8-9, 13-15 and 18, Gonno** discloses an equivalent means in col. 3 line 54 - col. 6 line 35 and Fig. 8 wherein is disclosed ARQ system for multicast or broadcast system comprising plural receivers and central station or transmitter wherein NAK and ACK are sent by receivers on error or loss of transmit message, the transmitter repeating such message after predetermined time period for communications system with means to keep track of messages via sequence numbers and means to store intermediate buffering means e.g., col. 11 line 25.

**As per Claims 10-12 and 16-17, Gonno** discloses an equivalent means in col. 3 line 54 - col. 6 line 35 and Fig. 8 wherein is disclosed ARQ system for multicast or broadcast system comprising plural receivers and central station or transmitter wherein NAK and ACK are sent by receivers on error or loss of transmit message, the transmitter repeating such message after

Art Unit: 2133

predetermined time period, e.g., col. 11 line 11, for communications system.

### Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4.1 Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231


or faxed to: (703) 872-9306 for formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, **Fourth Floor** (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guy J. Lamarre, P.E., whose telephone number is (703) 305-0755. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady, can be reached on (703) 305-9595.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Guy J. Lamarre, P.E.  
Patent Examiner  
1/23/04

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